

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No. **2:23-cv-05551-MCS-JPR**

Date **September 21, 2023**

Title ***Perry v. Shein Distrib. Corp.***

Present: The Honorable **Mark C. Scarsi, United States District Judge**

Stephen Montes Kerr

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

Proceedings: (IN CHAMBERS) ORDER RE: STIPULATION (ECF No. 12)

The parties stipulate for an order giving Plaintiffs Krista Perry, Larissa Martinez, and Jay Baron, leave to file a First Amended Complaint within 21 days and setting an extended response deadline and briefing schedule for any Rule 12 motion. (Stip., ECF No. 12.)

Although the Court applauds the parties' efforts to avoid motion practice by a stipulated amendment, the stipulation is denied. The Court declines to impose a deadline by which Plaintiffs must amend their Complaint. See Fed. R. Civ. P. 15(a)(1) (permitting one amendment as a matter of course). Further, the parties present no good cause, let alone "compelling factual support," to authorize an extended schedule for a response or Rule 12 motion. (Initial Standing Order § 4, ECF No. 11.) The parties' proposed timetable would require setting the hearing on any Rule 12 motion no earlier than three months after Plaintiffs file their amended pleading. The Court is loath to approve such a long schedule for any motion, let alone for a motion whose contours cannot be known before the filing of the complaint to be challenged.

On the basis that Plaintiffs intend to amend their pleading before Defendants file a response, the Court on its own motion extends Defendants' deadline to respond to the original Complaint to October 13, 2023. The Court expects the parties to litigate this matter expeditiously. *See* Fed. R. Civ. P. 1.

Consistent with Federal Rule of Civil Procedure 4(d)(4), the Court orders Plaintiffs to file the waiver of service referenced in the stipulation.

IT IS SO ORDERED.